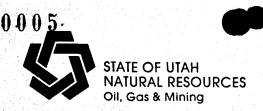
File



Norman H. Bangerter, Governor Dee C. Hansen, Executive Director Dianne R. Nielson, Ph.D., Division Director

355 W. North Temple • 3 Triad Center • Suite 350 • Salt Lake City, UT 84180-1203 • 801-538-5340

January 29, 1986

CERTIFIED RETURN RECEIPT REQUESTED P 001 720 817

Mr. Charles Gent Genwal Coal Company P. O. Box 1201 Huntington, Utah 84527

Dear Mr. Gent:

RE: Finalized Assessments for State Violation No.'s N84-2-20-6, N84-4-14-1, N85-4-5-2, N85-4-6-1, N85-4-7-2, N85-4-9-1, N85-4-12-3, ACT/015/032, Folder #8, Emery, County, Utah

The civil penalties for the above referenced violations have been finalized. These assessments have been finalized as a result of a review of all pertinent data and facts which were not available on the date of the proposed assessments, due to the length of the abatement period.

Within fifteen (15) days of your receipt of this letter, you or your agent may make a written appeal to the Board of Oil, Gas and Mining. To do so, you must have escrowed the assessed civil penalties with the Division within a maximum of 30 days of receipt of this letter, but in all cases prior to the Board Hearing. Failure to comply with this requirement will result in a waiver of your right of further recourse.

If no timely appeal is made, these assessed civil penalties must be tendered within thirty (30) days of your receipt of this letter. Please remit payment to the Division and mail % Jan Brown at the address.

Thank you for your cooperation.

Sincerely,

Constance K. Lundberg

Assessment Conference Officer

re

cc:Donna Griffin, OSM Albuquerque Field Office B. Roberts, Attorney Generals Office 90990

COMPANY/MINE Genwal/Crandall (Canyon NOV # N84-4-20-6
PERMIT # ACT/015/032	VIOLATION 1 OF 6
Nature of violation:	Failure to protect topsoil from water erosion and contaminants. Violation # 2 of 6 was vacated
	Proposed Final Assessment Assessment
(1) History/Prev. Vio.	20
(2) Seriousness	
(a) Probability of Occu	rrence <u>03</u> <u>03</u>
Extent of Damage	0808
(b) Hindrance to Enforce	ement
(3) Negligence	18
(4) Good Faith	a participation de la
TOTAL	<u>49</u> <u>49</u>
Narrative:	TOTAL ASSESSED FINE \$ 960

3.

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985 February 1, 1986	Submit Draft MRP Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all necessary
June 1, 1986 July 31, 1986	plans. Begin construction Finish construction

Assessment Conference Officer

Assessment Date 01090

COMP	ANY/MI	INE Genwal/Crandal	ll Canyon		NOV # N8	84-4-20	- 6	
PERM	IT # <u>/</u>	ACT/015/032			VIOLATION	3	OF	6
Natu	re of	violation:		to mai	ntain appro es	priate	sedim	ient
				Propose Assessme			inal ssessm	<u>ient</u>
(1)	Histo	ory/Prev. Vio.		20			20	
(2)	Serio	ousness						
	(a)	Probability of Oc	currence	13		_	13	
Sayota Wasan Sayota		Extent of Damage		12		e de la companya de l La companya de la companya de	12	
	(b)	Hindrance to Enfo	orcement			· · · · · · · · · · · · · · · · · · ·		
(3)	Negl:	igence		15			15	- 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1 - 1
(4)	Good	Faith						
		TOTAL		60			60	
Ther assessme for Genw that the penaltie question presentl secures would re magnitud seriousn recommen Complian Dece Febr	nts. al to law v s are but t y seel approv commer e of t ess of d that ce Sch mber 2 uary	no challenge in to Efforts were made work off the penalization will not allow the large for the envithe record contains and approved val of the MRP on that the Board the fines in relating the offenses. In the Board take medule: 20, 1985 Submaching 1986 Submaching and submaching submac	the record by the Division to basis MRP. If in the schedule the cion to the clowever, be no action to mit Draft M nit Final M leve approximat.	to the ivision, her than zive. I consequent to the it has been size of ecause of antil confider MRP May al of F.	at my requassessing recognize uences of the etes its suas agreed the operation of the operation.	of the lest, t fines. that the act fines. bomissi to (see ause of ation a histor is com	o find It a hese ions i Genw ons an below the and the y I wo pleted	la way appears In val is ad v) I could
	1, 19		in construction construction					

Constance K. Lundberg

Assessment Conference Officer

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Assessment Date 1-28-86

Stand Late Land and Control of the Stand Stand

COMPANY/MINE Genwal/Crandall (Canyon NOV	#N84-4-	20–6
PERMIT # ACT/015/032	VIOL/	ATION <u>4</u>	0F6
Nature of violation:	Failure to comply with conditions of the man		
	Proposed Assessment		Final Assessment
(1) History/Prev. Vio.	20		
(2) Seriousness			
(a) Probability of Occu	rrence		
Extent of Damage			
(b) Hindrance to Enforc	ement <u>17</u>		
(3) Negligence	18		18
(4) Good Faith			
TOTAL	55		55
	TOTAL ASSESSED	FINE	\$ 1,180
There was no challenge in the assessments. Efforts were made be for Genwal to work off the penalt that the law will not allow that penalties are large for the envir question but the record contains presently seeking an approved MRP secures approval of the MRP on the would recommend that the Board remagnitude of the fines in relation seriousness of the offenses. How recommend that the Board take no	by the Division, at make alternative. I recommental consequence no basis for reducing. If it completes in a schedule it has agreeduce the fines by 1/2000 to the size of the vever, because of Ger	ny request, essing fine ognize that es of the ang the fine its submiss greed to (\$\frac{9}{2}\) because e operation wal's hist	to find a way es. It appears these actions in es. Genwal is sions and see below) I of the and the tory I would
Compliance Schedule:			
February 1, 1986 Submit Achiev plans. June 1, 1986 Begin	t Draft MRP t Final MRP May 1, 19 we approval of Final construction construction		all necessary
		Pin	.05.

Constance K. Lundberg Assessment Conference Officer

Assessment Date

0109Q

COMPANY/MINE Genwal/Crandall	Canyon NOV # N84-4-20-	- 6
PERMIT # ACT/015/032	VIOLATION 5	OF6
Nature of violation:	Failure to conduct water monitoring paper approved by the Division.	
		inal ssessment
(1) History/Prev. Vio.	20 <u>20</u>	20
(2) Seriousness (a) Probability of Occu	rrence	
Extent of Damage		
(b) Hindrance to Enforc	ement	
(3) Negligence	20	20
(4) Good Faith	<u>- 12</u>	- 12
TOTAL	46	46
Narrative:	TOTAL ASSESSED FINE \$_	NOVIs on the

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was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985 February 1, 1986	Submit Draft MRP Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all necessary
3 mg 3 1004	g plans. The control of the control
June 1, 1986 July 31, 1986	Begin construction Finish construction

Constance K. Lundberg Assessment Conference Officer

The Car was Added to Land Special and the state of the state of the

COMPANY/MINE Genwal/Cra	ındall Canyon	NOV #_	N84-4-20)– 6	
PERMIT # ACT/015/032		VIOLAT	ION 6	OF	6
Nature of violation:		e to control no unoff does not			
		Proposed Assessment		inal Assessm	ent
(1) History/Prev. Vio.		20		20	
(2) Seriousness					
(a) Probability o	of Occurrence	20	Tanàna sa mandra dia kaominina dia kaominina dia kaominina dia kaominina dia kaominina dia kaominina dia kaomi	20	· :
Extent of Dam	nage	24	erio de la composición dela composición de la composición de la composición de la composición dela composición de la composición dela composición dela composición de la composición dela composición de la composición dela composición del	24	· ·
(b) Hindrance to	Enforcement		o de la serie de la serie La serie de la		
(3) Negligence		28		28	
(4) Good Faith					
TOTAL		92	4. 1	92	
There was no challenge assessments. Efforts were for Genwal to work off the that the law will not allow penalties are large for the question but the record corpresently seeking an approvance approval of the MRF would recommend that the Bomagnitude of the fines in a seriousness of the offenses recommend that the Board ta	in the record made by the D penalties rate that alternate environmentantains no basinged MRP. If it on the scheduce the relation to the selation to the selati	ivision, at my her than assess tive. I recogn consequences for reducing t completes itsule it has agree fines by 1/2 e size of the cecause of Genward consequences.	nacy of the request, to sing fines. The fines. It is submission to the determinant of the fines. The fines of	to find It a these tions i Genw ons and below the and the ry I wo	d a way appears In val is i v) I
Compliance Schedule:					
December 20, 1985 February 1, 1986	Achieve appro	MRP MRP May 1, 1986 val of Final MF		l neces	ssary
June 1, 1986 July 31, 1986	plans. Begin constru Finish constr				
	Dorc	Constance K. L		la_	_

Assessment Conference Officer

Assessment Date 1-28-86

0109Q

COMPANY/MINE Genwal/Crandall Ca	nyon NOV	# N84-4-	14-1	·
PERMIT # ACT/015/032	VIOL	_ATION1	0F1	
Nature of violation:	ond not built to s	specificati operate co	ons, because rrectly.	of
	Proposed Assessment		Final Assessment	
(1) History/Prev. Vio.	20		20	
(2) Seriousness				
(a) Probability of Occurr	ence 20		20	
Extent of Damage	23		23	
(b) Hindrance to Enforcem	ent			
(3) Negligence	10		10	
(4) Good Faith				
TOTAL	73		73	
	TOTAL ASSESSED) FINE	\$ 3,320	

Narrative:

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985
February 1, 1986
Submit Draft MRP
Submit Final MRP May 1, 1986
Achieve approval of Final MRP with all necessary plans.
June 1, 1986
Begin construction
July 31, 1986
Finish construction

Constance K. Lundberg
Assessment Conference Officer

Assessment Date 1-28-86 0109Q

PERMIT # ACT/015/032	VIOLAT	ION 1 OF 2
Nature of violation:	Potential public healt the lack of adequate s	th hazard existed due t sewage facilities
	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	20	20
(2) Seriousness		
(a) Probability of Occu	rrence 12	12
Extent of Damage	<u> </u>	9
(b) Hindrance to Enforce	ement	
(3) Negligence	18	18
(4) Good Faith		11
TOTAL	59	59
Narrative -	TOTAL ASSESSED F	INE \$ 1,340

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985 Submit Draft MRP February 1, 1986. Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all necessary plans. June 1, 1986 Begin construction July 31, 1986 Finish construction

Constance K. Lundberg

Assessment Conference Officer

Assessment Date

COMPANY/MINE Genwal/Crandall Canyo	n NOV # N85–4	ı - 5-2
PERMIT # ACT/015/032	VIOLATION	2 OF 2
	ure to mine in accordanc oved mine plan.	e with an
	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	20	20
(2) Seriousness		
(a) Probability of Occurrence	e <u>15</u>	15
Extent of Damage	10	10
(b) Hindrance to Enforcement		
(3) Negligence	22	22
(4) Good Faith	하철 (1942년 - 1942년 - 1 1942년 - 1942년	
TOTAL	67	67
Narrative: There was no challenge in the recommendation and the recommendation of the penalties retained by the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative are larger than the law will not allow that alternative.	Division, at my request ather than assessing fir	, to find a way les. It appears

asse for tha penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985 Submit Draft MRP February 1, 1986 Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all necessary plans. June 1, 1986 Begin construction July 31, 1986 Finish construction

> Constance K. Lundberg Assessment Conference Officer

	COMP	PANY/MINE Genwal/C	randall Canyon	NOV	# N85-	4-6-1	
	PERM	AIT # ACT/015/032		VIO	LATION	1 0	OF 1
	Natu	ure of violation:	Failu in ac	re to conduct cordance with	surface an appro	water oved p	monitoring lan.
				Proposed Assessment			nal sessment
	(1)	History/Prev. Vi) .	20			20
	(2)	Seriousness					
		(a) Probability	of Occurrence				
		Extent of D	amage				
		(b) Hindrance t	o Enforcement	8		· .	8
	(3)	Negligence		18			18
	(4)	Good Faith					
		TOTAL		46			46
for that per que pre sec wou mag ser	Theresessment the session estion estimate	rative: re was no challengents. Efforts were wal to work off the law will not alles are large for the but the record coly seeking an approper approval of the Mecommend that the de of the fines in the seeking and that the Board	e made by the e penalties ra ow that altern he environment ontains no bas oved MRP. If RP on the schelboard reduce trelation to tes. However,	Division, at ther than ass ative. I recal consequencis for reducit completes edule it has a the fines by 1 the size of the because of Ge	my requesessing fing the sof the fing the fing the fing the fing greed to 1/2 because operationwal's hims.	st, to ines. hat the actions. ission: (see see of istory	find a way It appears ese ons in Genwal is s and below) I the d the I would
Cor	npliar	nce Schedule:					
	Febr June	ember 20, 1985 ruary 1, 1986 e 1, 1986	Achieve appr plans. Begin constr	. MRP May 1, 1 roval of Final ruction		n all	necessary
	oury	y 21, 1986	Finish const	Constance K	Lundbe:	.)lu	la

Assessment Conference Officer

Assessment Date 1-28-86

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- S. 1994 - 1745

PERM		Crandall Canyon	NOV #N85	5-4-7-2
· •••	IT # ACT/015/032		VIOLATION _	1 OF 2
Natu	re of violation:	Failure to condu		
			oposed essment	Final Assessment
(1)	History/Prev. V	io.	20	20
(2)	Seriousness			
	(a) Probabilit	y of Occurrence		
	Extent of	Damage		
	(b) Hindrance	to Enforcement	15	15
(3)	Negligence		16	16
(4)	Good Faith			
	TOTAL		51	<u>51</u>
assessment for Genwithat the penaltic question presently secures would remagnitude serious residuals.	ents. Efforts we wal to work off to all to work off to all the record by seeking an approval of the ecommend that the de of the offer	ge in the record to be made by the Divis he penalties rather low that alternative the environmental contains no basis for oved MRP. If it common the schedule Board reduce the fin relation to the sinces. However, because take no action until	ion, at my request than assessing to the complete state of Genwal's like	fines. It appears that these ne actions in fines. Genwal is missions and o (see below) I use of the tion and the nistory I would
assessme for Genw that the penaltic question presentl secures would re magnitud seriousn recommen	ents. Efforts we wal to work off to all to work off to all the record by seeking an approval of the ecommend that the de of the offer	re made by the Divis he penalties rather low that alternative the environmental cocontains no basis for oved MRP. If it com MRP on the schedule Board reduce the fin relation to the sinses. However, because	ion, at my request than assessing to the complete state of Genwal's like	est, to find a warines. It appears that these he actions in fines. Genwal is missions and b (see below) I use of the tion and the history I would

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Assessment Date 1-28-86

0109Q

Constance K. Lundberg

Assessment Conference Officer

WORKSHEET FOR FINAL ASSESSMENT OF PENALTIES

OLAH DIAISION O	IL OTE, GAS AND WINTI	NG .	
COMPANY/MINE Genwal/Crandall Can	yon NOV #_	N85-4-7-2	
PERMIT # ACT/015/032	VIOLAT	ION 2 OF 2	-
	ailure to mine in accermanent permit.	cordance with a approv	ed
	Proposed Assessment	Final Assessment	
(1) History/Prev. Vio.	20	20	
(2) Seriousness			
(a) Probability of Occurre	ence <u>13</u>	13	
Extent of Damage	<u>17</u>	17	
(b) Hindrance to Enforceme	ent		
(3) Negligence	12	12	
(4) Good Faith			
TOTAL	<u>62</u>	62	
There was no challenge in the reassessments. Efforts were made by the for Genwal to work off the penalties that the law will not allow that all penalties are large for the environmentation but the record contains no presently seeking an approved MRP. secures approval of the MRP on the swould recommend that the Board reduction magnitude of the fines in relation the seriousness of the offenses. However recommend that the Board take no actions the seriousness of the offenses and the seriousness of the offenses.	the Division, at my so rather than assess ternative. I recognmental consequences basis for reducing If it completes its schedule it has agreed the fines by 1/2 to the size of the cer, because of Genward states.	pacy of the NOV's or the request, to find a way ing fines. It appears ize that these of the actions in the fines. Genwal is submissions and sed to (see below) I because of the apperation and the al's history I would	/

Compliance Schedule:

December 20, 1985	Submit Draft MRP	
February 1, 1986	Submit Final MRP May 1, 1986	
	Achieve approval of Final MRP with all necessary	,
	plans.	
June 1, 1986	Begin construction	
July 31, 1986	Finish construction	

Constance K. Lundberg Assessment Conference Officer

Assessment Date

0109Q

COMPANY/MINE Genwal/Crandall Canyon	NOV # N85-	-4-9-1
PERMIT # ACT/015/032	VIOLATION _	1 OF 1
	e to mine in accorda ed permit.	nce with an
	Proposed Assessment	Final Assessment
(1) History/Prev. Vio.	20	20
(2) Seriousness		
(a) Probability of Occurrence	15	15
Extent of Damage	12	12
(b) Hindrance to Enforcement	. 	
(3) Negligence	21	21
(4) Good Faith		
TOTAL	65	65
Narrative:	TOTAL ASSESSED FINE	\$ 1,780

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

	Submit Draft MRP	
February 1, 1986	Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all nece	ssary
June 1, 1986 July 31, 1986	plans. Begin construction Finish construction	

Constance K. Lundberg

Assessment Conference Officer

Assessment Date 01090

COMPANY/MINE Genwal/Crandall Ca	anyon NOV # N85-4-12-3
PERMIT # ACT/015/032	VIOLATION 1 OF 3
	Disturbed area runoff was bypassing the sediment pond.
	Proposed Final Assessment Assessment
(1) History/Prev. Vio.	20 20
(2) Seriousness	
(a) Probability of Occur	rence <u>11</u> <u>11</u>
Extent of Damage	18
(b) Hindrance to Enforce	ment
(3) Negligence	<u>14</u>
(4) Good Faith	
TOTAL	<u> </u>
Narrative:	TOTAL ASSESSED FINE \$ 56

3.

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

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June 1, 1986	Begin construction
July 31, 1986	Finish construction

Constance K. Lundberg Assessment Conference Officer

PERM	IT#	ACT/015/032	VIOLATION	2 05 3
	-	-	VIOLATION	2 OF 3
Natu	re of	violation: Erosio	on of upper topsoil st	cockpile occurred
	V 2000	<u>ab a .</u>	result of inadequate p	protection measures
			Proposed Assessment	Final Assessment
(1)	Histo	ory/Prev. Vio.	20	20
(2)	Seri	ousness		
	(a)	Probability of Occurrence	02	02
		Extent of Damage	02	02
	(b)	Hindrance to Enforcement		
(3)	Negl:	igence The state of the state o	18	18
(4)	Good	Faith	ija (1906) 19 <u>14 – 5 (19</u> 06)	5
		TOTAL	37	37
			TOTAL ASSESSED FINE	\$ 540
Ther essme Genw	ents. Mal to	no challenge in the record Efforts were made by the work off the penalties rawill not allow that alternations	Division, at my reques ther than assessing fi	st, to find a way ines. It appears

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asse for that pena question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

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December 20, 1985 Submit Draft MRP February 1, 1986 Submit Final MRP May 1, 1986 Achieve approval of Final MRP with all necessary plans. June 1, 1986 Begin construction July 31, 1986 Finish construction

onstance K. Lundberg

Assessment Conference Officer

	Greater than 1000 squa	
	contaminated by the sp	oill of oil and gas.
	Proposed Assessment	Final <u>Assessment</u>
 History/Prev. Vio. 	20	20
2) Seriousness		
(a) Probability of Occurr	rence 16	16
Extent of Damage	19	19
(b) Hindrance to Enforce	ment	
3) Negligence	25	25
4) Good Faith		
TOTAL	80	80

3.

There was no challenge in the record to the legitimacy of the NOV's or the assessments. Efforts were made by the Division, at my request, to find a way for Genwal to work off the penalties rather than assessing fines. It appears that the law will not allow that alternative. I recognize that these penalties are large for the environmental consequences of the actions in question but the record contains no basis for reducing the fines. Genwal is presently seeking an approved MRP. If it completes its submissions and secures approval of the MRP on the schedule it has agreed to (see below) I would recommend that the Board reduce the fines by 1/2 because of the magnitude of the fines in relation to the size of the operation and the seriousness of the offenses. However, because of Genwal's history I would recommend that the Board take no action until construction is completed.

Compliance Schedule:

December 20, 1985 February 1, 1986	Submit Draft MRP Submit Final MRP May 1, 1986	• • • • • • • • • • • • • • • • • • •
rebluary 1, 1900	Achieve approval of Final MRP	with all necessary
June 1, 1986	plans. Begin construction	
July 31, 1986	Finish construction	

Constance K. Lundberg Assessment Conference Officer

Assessment Date 1-28-86 0109Q